

NTSB Order No. EA-5005

Issued under delegated authority (49 C.F.R. 800.24)  
on the 7<sup>th</sup> day of November, 2002

Respondent.

Docket SE-16549

On August 17, 2002, respondent filed a timely notice of appeal from the written decision Administrative Law Judge Patrick G. Geraghty issued in this case on August 14, 2002, granting the Administrator's motion for summary judgment.<sup>1</sup> However, respondent did not subsequently file a timely appeal brief,<sup>2</sup> and his appeal is therefore subject to dismissal under section

<sup>2</sup>Petitioner's appeal brief was due on September 13, 2002.

821.48(a) of the Board's Rules of Practice.<sup>3</sup> See 49 CFR Part 821.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

Ronald S. Battocchi  
General Counsel

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<sup>3</sup>Section 821.48(a) provides as follows:

**§ 821.48 Briefs and oral argument.**

(a) *Appeal briefs.* Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.